IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 38128 of 2003(L)

PETITIONER:

LAIJU THOMAS, AGED 19 YEARS,
S/O. LATE THOMAS, RESIDING AT BIJU BHAVAN,
MANAKALA P.O., ADOOR.

BY ADV. SRI.C.A.JOY

RESPONDENTS:

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1. THE PRINCIPAL, MOUNT ZION COLLEGE OF ENGINEERING, KADAMANITTA.

2. THE PRINCIPAL, COLLEGE OF ENGINEERING, IHRD, GOVT. OF KERALA, MANAKALA P.O., ADOOR.

BY ADV. SRI.T.S.JOHN
SRI.M.S.RADHAKRISHNAN NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 38128/2003

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE NEWS ITEM OCCURRED IN MALAYALA MANORAMA DAILY DATED 11/11/2003.

P2 : COPY OF THE CLAUSE 13(6) OF THE PROSPECTUS ISSUED BY THE GOVT. OF KERALA.

P3 : COPY OF THE MARK LIST OF THE HIGHER SECONDARY EXAMINATION (CLASS XII) OF THE PETITIONER.

P4 : COPY OF THE COURSE AND CONDUCT CERTIFICATE ISSUED TO THE PETITIONER.

P5 : COPY OF THE ENTRANCE EXAMINATION CERTIFICATE SHOWING THE RANK OF THE PETITIONER FOR THE ENGINEERING AS 37796.

P6 : COPY OF THE TRANSFER CERTIFICATE ISSUED TO THE PETITIONER FROM GOVT. BOY'S H.S.S., ADOOR.

RESPONDENT'S EXHIBITS

R1(a) : COPY OF THE ATTENDANCE REGISTER FROM 30/8/2003 ONWARDS.

R1(b) : COPY OF THE DIRECTION DATED 19/11/2003 ISSUED TO ALL THE HEAD OF THE INSTITUTIONS.

R1(c) : COPY OF THE YEARWISE REGISTER OF THE LIST OF STUDENTS ADMITTED AND STUDYING IN THE YEAR 2003 BATCH FOR I.T.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 38128 of 2003 L

Dated, this the 23rd day of March, 2007

J U D G M E N T

The petitioner, who joined the 1st respondent college under Management Quota, got admission in the 2nd respondent college, which is near to petitioner's house. The learned counsel for the petitioner contended that 2nd respondent is also a self-financing college and petitioner has burden to pay higher fees, as in the 1st respondent college petitioner has paid substantial amount towards security and semester fees. In the circumstance, I do not think it would be reasonable for the 1st respondent to claim any further amount from the petitioner, who has already left the college. Even though the learned counsel for the 1st respondent contended that since petitioner left college after admissions are over, no substitute is given for the vacant seat. I feel these are common things taking place in college admissions leaving some vacant seats in many colleges. In the circumstances, OP is disposed of leaving freedom to the 1st respondent to forfeit the amount recovered from the petitioner so far, but not to raise any fresh demand based on the prospectus.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg